

Public Hearing: October 25, 2004

## **F A C T   S H E E T**

**TITLE:** Resolution for Impact Fee Appeal  
with D&A Properties, LLC.

**SPONSOR:**

**OPPONENTS:** Public Works & Utilities

**OTHER DEPARTMENTS AFFECTED:**

**STAFF RECOMMENDATION:** Denial

**APPLICANT:** D&A Properties, LLC  
Attn: Dawn Robinson

**REASON FOR LEGISLATION:** Impact Fee Appeal

## **D I S C U S S I O N**

Lincoln Municipal Code §27.82.050(c)(1) provides in pertinent part that “the Impact Fee Administrator shall determine the amount of each required impact fee through the use of impact fee schedules adopted by the City Council.” The arterial impact fee was correctly calculated based upon the 2004 Arterial Street Impact Fee Schedule. Appellant is constructing a 8800 square foot building at 8310 Wendell Way for the purpose of a childcare center. According to the Arterial Street Impact Fee Schedule (beginning January 1, 2004, the arterial street impact fee for a daycare center is \$2,702 per 1,000 sq. ft.  $(8,800 \times \$2,702 \div 1,000 = \$23,778)$ ).

This application does not meet any of the stipulations required for reduction in an impact fee. According to Section 27.82.110 of the Impact Fee Ordinance, the City Council shall not waive fees unless there is a finding that the fee was incorrectly calculated or that there are unusual circumstances which demonstrate that application of the fee for the development would be unfair or unjust. Specifically, economic hardship is not an unusual circumstance of development which demonstrates that application of the fee for the development would be unfair or unjust. Rather, almost every other builder or developer could make this same argument.

The arterial street impact fee for child daycare centers, as well as most other commercial uses are calculated based upon peak hour trip rate generated per square foot of gross floor area pursuant to the Institute of Transportation Engineers (ITE) traffic generation manual. The child care centers trip rate has been calculated based on over 61 traffic count studies nationwide of child care center users.

**POLICY OR PROGRAM CHANGE:** No

**FACT SHEET PREPARED BY:**

Asst. Public Works/Utilities Business Manager

**REVIEWED BY:**

Director of Public Works/Utilities